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N.J. BOARD OF DENTISTRY
ON 3-25-04 *NA*

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :

ROY L. RAMBO, D.M.D.
License No. D111405

TO PRACTICE DENTISTRY IN THE
STATE OF NEW JERSEY

Administrative Action

ORDER OF
TEMPORARY SUSPENSION
OF LICENSE

On February 18, 2004, the Board president signed an Order to Show Cause upon the filing of a Verified Complaint by the Attorney General of New Jersey (Hakima Bey, Deputy Attorney General, appearing) against Roy L. Rambo, D.M.D. ("respondent" or "Dr. Rambo"), seeking, among other things, a temporary suspension of his license based on his conduct on August 16, 2002, on which date Dr. Rambo shot and struck his wife causing her death. Dr. Rambo has been incarcerated since August 16, 2002.

Dr. Rambo was served with the Order to Show Cause and Verified Complaint at the Warren County Correctional facility as evidenced by the cover letter accompanying the papers (P-1 in evidence) and the certified mail, return receipt card (P-2 in evidence¹). In a four page handwritten letter dated June 16, 2004, addressed and mailed to Board President John Ricciani, D.M.D., respondent asserted that he was limited in his ability to respond to the Attorney General's application based on financial considerations as well as

¹ The return receipt card was signed by Sergeant Ackerman at the Warren County Correctional Facility.

the pendency of criminal charges. He asked that the matter be tabled pending the outcome of his criminal trial and that his license not be revoked. The Board has determined to accept that letter (marked R-1; admitted in evidence without objection) as an answer and response to the application.² Given the seriousness of the matter and as discussed more fully below, the Board declines to table this matter pending resolution of the criminal charges.³

The verified complaint, citing to sworn statements made by Dr. Rambo (P-6 and P-7 in evidence), alleges that respondent shot his wife from behind and then struck her with the barrel of the gun used in the shooting. In those statements he asserted that she had been harassing and threatening him for a long time and that he couldn't take the threats and harassment any longer. In a two count indictment returned in December 2002, the Warren County Grand Jury charged respondent with murder (first degree) and unlawful possession of a weapon (second degree) (P-9). The Attorney General contends that respondent's actions provide a basis for relief as they constitute professional misconduct (N.J.S.A. 45:1-21(e)); constitute an offense involving moral turpitude or relating adversely

² Respondent remains incarcerated pending trial and was not represented by counsel on the return date. While the letter was not in the form of an affidavit or certification, the Board, under the circumstances, will grant latitude in this matter and accord the material appropriate weight.

³ Respondent did not renew his license to practice dentistry for the current biennial renewal period (November 1, 2003 through October 31, 2005). His license has been suspended by operation of law. N.J.S.A. 45:1-7. Pursuant to that statute, respondent, provided he was otherwise qualified for licensure, could seek to have that suspension lifted by paying past delinquent renewal fees and a reinstatement fee and by providing proof of completion of continuing education requirements. N.J.S.A. 45:1-7.2. For the reasons discussed in the body of this order, the Board believes that, notwithstanding the current suspension by operation of law, the temporary suspension of his license pending a plenary hearing is appropriate.

to the practice of dentistry (N.J.S.A. 45:1-21(f)); demonstrate that respondent is incapable of discharging the functions of a licensee in a manner consistent with the public's health, safety, and welfare (N.J.S.A. 45:1-21(i)); and that respondent's continued practice poses a clear and imminent danger to the public health, safety, and welfare (N.J.S.A. 45:1-22).

DAG Bey moved into evidence documents reflecting proof of service (P-1; P-2), and documents related to the criminal charges now pending, including certified copies of the following: an affidavit of probable cause (P-4), arrest warrant (P-5), two sworn statements by Dr. Rambo (P-6; P-7), transcript from a phone call to 911 by Dr. Rambo after the shooting (P-8), and the December 2002 indictment charging Dr. Rambo (P-9). During her presentation to the Board, DAG Bey argued that respondent's violent behavior was indicative of severely flawed judgment warranting a temporary suspension of respondent's license.

In evaluating the merits of the application, the Board considered the documentary evidence, arguments of the Attorney General, both oral and in the letter brief filed with the application, and Dr. Rambo's letter of June 16, 2004. Those materials have persuaded the Board that Dr. Rambo's actions demonstrate an extreme lack of judgment and control which render him incapable of discharging the functions of a license in a manner consistent with the public health, safety and welfare. (N.J.S.A. 45:1-21(i)).

Despite Dr. Rambo's assertions in his June 16, 2004 letter that his actions in shooting his wife were in self-defense, the Board cannot ignore respondent's sworn statements and the transcript of the 911 call in which he acknowledged that he shot his wife and attempted to shoot her a second time. At that moment, as she was attempting

to escape from the house, the gun apparently jammed, and he admitted that he struck her twice with the barrel of the gun before the gun discharged, the bullet lodging in the wall.

As noted above, the Attorney General has moved for relief on three bases. The Board has considered those bases and finds that respondent, by virtue of his actions, has demonstrated that he is incapable of discharging the functions of a licensee in a manner consistent with the public's health, safety, and welfare. N.J.S.A. 45:1-21(i). The Board, having so found, declines at this time to consider whether the provisions of N.J.S.A. 45:1-21(f) which permit the Board to take action where a person has engaged in acts constituting any crime or offense involving moral turpitude or relating adversely to an activity regulated by the board, support a basis for relief. While the Verified Complaint asserts that Dr. Rambo's actions constitute such an offense (and indeed they may), the particular offense, the specific elements of that offense, and the evidence that supports each of those elements have not been sufficiently set forth in the record for the Board to reach a determination.⁴ As to professional misconduct, while respondent's actions, as argued by the Attorney General, may lower the standing of the profession in the eyes of the public (citing to IMO Fanelli, 174 N.J. 165, 178-180 (2002), quoting Haley v. Med. Disciplinary Bd., 117 Wash. 2d 720 (1991)), the Board finds it unnecessary to make a determination as to whether Dr. Rambo's actions constitute professional misconduct for

⁴ Dr. Rambo has been charged with murder, a first degree offense, and possession of a weapon, a second degree offense. Given Dr. Rambo's statements in his letter that he was acting in self defense, the Board is not prepared to make findings on whether the provisions of N.J.S.A. 45:1-21(f) should apply under these circumstances. Moreover, as this is a matter of first impression, the Board would benefit from an exposition of the standard of proof that should be applied in cases where criminal charges are pending. The Board is unaware of any court or Attorney General opinion on this issue.

purposes of disciplinary action. After a plenary hearing on this matter, the facts may support such a finding and the Board, if supported by the record, would not hesitate to so find.

There is no question that Dr. Rambo's actions demonstrate that his judgment is so flawed as to palpably demonstrate a clear and imminent danger to the public. Where a dentist's fundamental judgment is flawed and impulse control is implicated, no restrictions on practice are adequate to protect the public. Therefore the Board orders that respondent's license be temporarily suspended pending a plenary hearing on the Verified Complaint now filed or on any amended pleadings. The Board will transfer this matter to the Office of Administrative Law as a contested case.

ACCORDINGLY, IT IS ON THIS 25th DAY OF AUGUST, 2004,

ORDERED:

1. The license of Roy L. Rambo, D.M.D., to practice dentistry in the State of New Jersey is temporarily suspended effective immediately. That suspension shall remain in effect pending the Board's disposition of the plenary proceedings in this matter or until further order of the Board.

2. This matter shall be transferred to the office of Administrative Law as a contested case.

NEW JERSEY STATE BOARD OF DENTISTRY

A handwritten signature in cursive script, appearing to read "John F. Ricciani D.M.D.", written over a horizontal line.

John F. Ricciani, D.M.D.
President

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copy to NCM, DAG